

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for MARCH 1, 2006 PLANNING COMMISSION MEETING

PROJECT #: Annexation #05019
 Change of Zone No.05085 Planned Unit Development

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: To annex approximately 41.7 acres. To combine the existing Fallbrook Use Permit, Special Permit and Preliminary Plat into a Planned Unit Development (PUD) for 1,767 dwelling units and 680,000 square feet of commercial. Change the zoning from AG, R-3, B-2, O-3 to R-3 PUD, B-2 PUD, and O-3 PUD.

LOCATION: Highway 34 and Fallbrook Blvd.

LAND AREA: Annexation #05109- Approximately 41.7 acres
 Change of Zone #05085- Approximately 378 acres

CONCLUSION: The proposed annexation is within the future service limit line and is within Priority A of Tier One. All utilities are available to serve the area of annexation. This proposal is to combine an existing use permit, community unit plan and preliminary plat into a Planned Unit Development. A large portion of the area has been final platted and built. The proposed PUD will allow for greater flexibility in the future and will make amendments easier. The annexation and PUD are in conformance with the Comprehensive Plan and Zoning Ordinance.

RECOMMENDATION:

Annexation	Approval
Change of Zone	Conditional Approval

Waivers:

1. Lot area	Approval
2. Lot width	Approval
3. Front, side and rear yard setbacks.	Approval
4. Parking requirements.	Approval
5. Secondary dwelling units on the same lot as the main dwelling unit.	Approval
6. Front yard setback for signs.	Approval
7. Cul-de-sac design.	Approval
8. Roadway platform approach to allow a maximum slope of 3%.	Approval
9. Sanitary Sewer depth greater than 15'.	Approval
10. Tangent length for streets.	Approval

11. Allow sewer and water mains on the same side of the street.	Approval
12. Pedestrian way easements.	Approval
13. Allow the transfer of sanitary sewage from one drainage area to another.	Approval
14. That lots front upon public streets or private roadways.	Approval
15. The requirement that where public streets are continuation of existing street, the existing street name shall be used to permit the street name of Fallbrook Blvd. west of N. 1 st St.	Approval
16. Sign regulations as identified in the notes	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

EXISTING ZONING: R-3, Residential; O-3, Office Park; B-2, Planned Neighborhood Business

EXISTING LAND USE: Residential and commercial

SURROUNDING LAND USE AND ZONING:

North:	AG, Agriculture	Undeveloped
South:	R-3 & R-5 Residential	Single family and multi-family south of U.S. Highway 34
East:	AG, Agriculture	Acreage development
West:	AG, Agriculture	Undeveloped, Highland View preliminary plat for single family residential

HISTORY:

November 14, 2004	Use Permit #124A to waive internal side yard setbacks in the O-3 District was approved by City Council.
August 19, 2002	Special Permit #1808B to expand the boundary of the Community Unit Plan was approved by City Council.
June 25, 2001	Special Permit #1808A to amend the CUP was approved by City Council.

January 24, 2000

Use Permit #124, Special Permit #1808 Community Unit Plan and Preliminary Plat #99023 for Fallbrook was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Lincoln's future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth. (F-17)

Maximize the community's present infrastructure by encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F-17)

Streams, trees, open space and other environmentally sensitive features should be preserved within new development as design standards allow. (F-18)

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F-18)

The Land Use plan designates this site as urban residential and commercial. The area of annexation is within the future service limit. (F-23)

Future Service Limit: The land use plan also displays the future service limit for the City of Lincoln. Land inside this line represents the anticipated area to be provided with urban services within the planning period. (F-28)

Urban Growth Tiers- The area for annexation is shown in Tier One Priority A. (F-31)

Commerce Centers are defined as areas containing a mix of retail, office, services and residential uses, with some light manufacturing and warehousing in selected circumstances. Commerce Centers have been divided into three separate size categories. The three categories of Commerce Center are: Regional Centers, Community Centers and Neighborhood Centers. Fallbrook is identified as a Community Center. (F-40, 41)

Typically, new Community Centers will range from 300,000 to 500,000 square feet. Community centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and other mixed-use activities. (F-45)

Guiding principles for new neighborhoods include the following principles:

1. Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
2. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
3. Parks and open space within walking distance of all residences;
4. Multi-family and elderly housing nearest to commercial area;
5. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
6. Public uses (elementary schools, churches) as centers of neighborhood-shared facilities (city parks & school sites). (F-67)

UTILITIES: All utilities are available to serve this development.

TRAFFIC ANALYSIS:

Alvo Rd. and NW 12th St. are designated minor arterial in the 2025 Comprehensive Plan. N.W. 12th St. has not been constructed south of Alvo Rd. The 2025 Comprehensive Plan, under proposed projects, identifies N.W. 12th St. as 4 lanes plus turn lanes from Highlands Blvd. to Alvo Rd. and Alvo Rd. as 4 lanes plus turn lanes from N.W. 12th St. to Arbor Rd. NW 12th St. is not proposed to be constructed with this application.

N. 1st St. is designated a principal arterial in the 2025 Comprehensive Plan. The 2025 Comprehensive Plan, under proposed projects, identifies N. 1st St. as 4 lanes plus turn lanes from US-34 to Alvo Rd.

These projects are not listed in the City's 2005-2011 Capital Improvement Program.

PUBLIC SERVICE:

The nearest fire station is Station 14 located at 5435 NW 1st St.

The nearest elementary school is Fredstrom located at N.W. 10th St. and W. Harvest Dr. There is a proposed middle school within this development.

ANALYSIS:

1. This request is to annex approximately 41.7 acres and for a change of zone from AG, R-3, O-3 and B-2 to a Planned Unit Development (PUD) for 1,767 residential units and 680,000 square feet of commercial space. The PUD will allow for greater flexibility in the overall development and require less amendments in the future.
2. The commercial area was previously approved for 680,000 square feet; 500,000 square feet office and 180,000 square feet retail. The proposed PUD does not change the allocated square footage. The 180,000 square feet of retail is shown within the Village Center.
3. The PUD allows a density of 1,767 dwelling units. The dwelling units are comprised of the following:

Single family/attached single family	696 du
Village Center lofts	60 du
Village Center Row-house	50 du
Multi-family	557 du
Unassigned	404 du
4. A substantial portion of the Fallbrook development has been final platted into buildable lots. (See attached site plan and aerial) The proposed site plan does not change the layout of areas that have a final plat.

5. The area of annexation is within the future service limit and is contiguous to the city limits. The uses designated within the annexation area are multi-family, school/recreation and the extension of Alvo Rd. to NW 12th St.
6. The area of annexation is designated as Tier 1, Priority "A" in the 2025 Comprehensive Plan. The Comprehensive Plan identifies Priority "A" of Tier 1 as areas designated for near term development generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the Plan.
7. The proposed uses for the annexation area are compatible with the adjacent land uses and in conformance with the 2025 Comprehensive Plan.
8. This PUD will allow angle parking on Fallbrook Blvd. between the two roundabouts; NW 6th St south of Blue Sage Blvd. and on NW 7th St. south of Blue Sage Blvd. The portion of the streets that allow angled parking will be vacated and changed to private streets. An application for the street vacation has been submitted and is scheduled for Public hearing at Planning Commission on March 15, 2006.
9. A portion of the PUD is designated Village Center. This area is proposed to be a mix of retail, dwellings above the first floor of a building containing another permitted use retail townhouses. The Village Center utilizes New Urbanism concepts such as, buildings located closer to the street with parking in the rear, smaller lots and mixed uses.
10. The proposed waivers are the same waivers that were previously granted through the Use Permit, Special Permit and Preliminary Plat.

CONDITIONS OF APPROVAL:

1. This approval permits 1,767 dwelling units, 680,000 square feet of commercial and variances to zoning ordinance, subdivision ordinance and design standards.
2. The City Council approves ANN #05019

General:

- 3 Final Plats will be approved by the Planning Director after:
 - 3.1 The applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable:

3.1.1 Revise the site plan to show:

- 3.1.1.1 Show the location of the proposed streets west of NW 12th Street within the Highland View development.
- 3.1.1.2 Revise Block 2 to meet block length requirements.
- 3.1.1.3 A PUD is not allowed over AG zoned land. Revise the boundary of the PUD to eliminate the AG area south of the Village Center or change the zoning on the AG area.
- 3.1.1.4 Label the area west of Tallgrass Parkway that is outside of the limits of this PUD as "Next Phase Property."
- 3.1.1.5 Change the use of Lot 1, Block 6 to School site/Park/YMCA. Add a note stating that final layout of Lot 1, Block 6 shall be done by administrative amendment.
- 3.1.1.6 Identify the use of all outlots in a table format.
- 3.1.1.7 Make revisions to the satisfaction of Public Works & Utilities per their memo of January 13, 2006.
- 3.1.1.8 Make revisions per Public Works Watershed Management memo of January 23, 2006.
- 3.1.1.9 Add utility easements as requested by the December 23, 2005 LES memo.
- 3.1.1.10 Show a bike trail on the south side of Alvo Rd. from NW 12th St. to NW 1st St.
- 3.1.1.11 Add the prefix "West" to Alvo Rd.
- 3.1.1.12 Change multi family units to 557 in the density table on Sheet 2.
- 3.1.1.13 Show NW 6th & NW 7th St. south of Blue Sage Blvd. as a private road. Show Fallbrook Blvd. from 175' east of

the west round-about (Outlot M) to 50' west of the east round-about (Outlot I) as a private road.

- 3.1.1.14 Dimension the right-of-way on each side of the median on West Alvo Rd.
- 3.1.1.15 On Sheet 6 label the sign envelope at the northwest corner of Fallbrook Blvd. and N. 1st St. Delete the note "not part of this CUP" on the south side of Fallbrook Blvd.
- 3.1.1.16 On Sheet 7 correct the cross section of Fallbrook Blvd., NW 6th St. and NW 7th St.
- 3.1.1.17 On Sheet 7 show the angled parking on Fallbrook Blvd., NW 6th St. and NW 7th St.; use a symbol to identify the common walls within the townhouse area and change the title from "Town" to "Village".
- 3.1.1.18 On Sheet 7 identify the lot line between Lots 2 & 3.
- 3.1.1.19 Label all private streets.
- 3.1.1.20 List all waivers on Sheet 2.
- 3.1.1.21 In the first line of the PUD legal description add "a portion of", before Lot 10 I.T.
- 3.1.2.22 Revise the notes as follows:
 - Village Center:
 - a. Under permitted uses, revise bb to read, "Attached dwellings in buildings containing three units or more."
 - b. Revise the parking regulations to state that diagonal parking is only allowed on private streets.
 - c. In height and area regulations state that the setback for parking shall be 15' along Fallbrook Blvd.
 - d. In parking regulations specifically clarify what Section 27.67.030 (d) pertains to.
 - e. In height and area regulations clarify what Section 27.31.090 (e) pertains to.
 - f. In height and area regulations clarify what Section 27.31.050 and 27.71.115 pertain to.
 - Office Area

a. Delete the note, "Front yards required on only one street frontage in case of double frontage lots."

b. Add a note stating that internal side yard setbacks are 0'.

Residential Type 1

a. Delete "existing" from single family.

Residential Type 2

a. Delete the note, "Front yards required on only one street frontage in case of double frontage lots."

Residential Type 3

a. Add the following; "Secondary dwelling units which are either detached or attached to a single family dwelling unit on the same lot are approved provided that they are: under the same ownership as the single family unit, have less than 800 square feet of floor area and have two or fewer bedrooms."

Residential Type 4

a. Delete the note stating the minimum distance between lots shall be 15'.

Residential Type 5

a. Delete the note, "Front yards required on only one street frontage in case of double frontage lots."

Multi-Family

a. Add a note stating that vehicular access shall be relinquished to Alvo Rd.

3.2 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.

3.3 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of streets as shown on the final plat within four (4) years following the approval of the final plat.

to complete the installation of sidewalks along N. 1st St. and West Alvo Rd. as shown on the final plat within two (2) years following the approval of this final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.

to complete the installation of private street lights along streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along streets and private roadways within this plat within four (4) years following the approval of the final plat.

to complete the planting of the street trees along N. 1st St. and West Alvo Rd. as shown on the final plat within two (2) years following the approval of this final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to maintain the outlots and private improvements on a permanent and continuous basis.

to maintain the plants in the medians and islands on a permanent and continuous basis.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to submit to the lot buyers and home builders a copy of the soil analysis.

to protect the trees that are indicated to remain during construction and development.

to relinquish the right of direct vehicular access to N. 1st St., Alvo Rd. and Hwy 34 from lots abutting said streets.

General:

4. Before receiving building permits:
 - 4.1 The permittee shall have submitted a revised and reproducible final plan and the plans are acceptable:
 - 4.2 The construction plans shall comply with the approved plans.
 - 4.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the dwelling units/buildings all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 5.3 The site plan accompanying this plan unit development shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 5.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 The City Clerk shall file a copy of the ordinance approving the planned unit development and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
6. The site plan as approved with this ordinance voids and supersedes all previously approved site plans and all ordinance approving previous permits.

Prepared by:

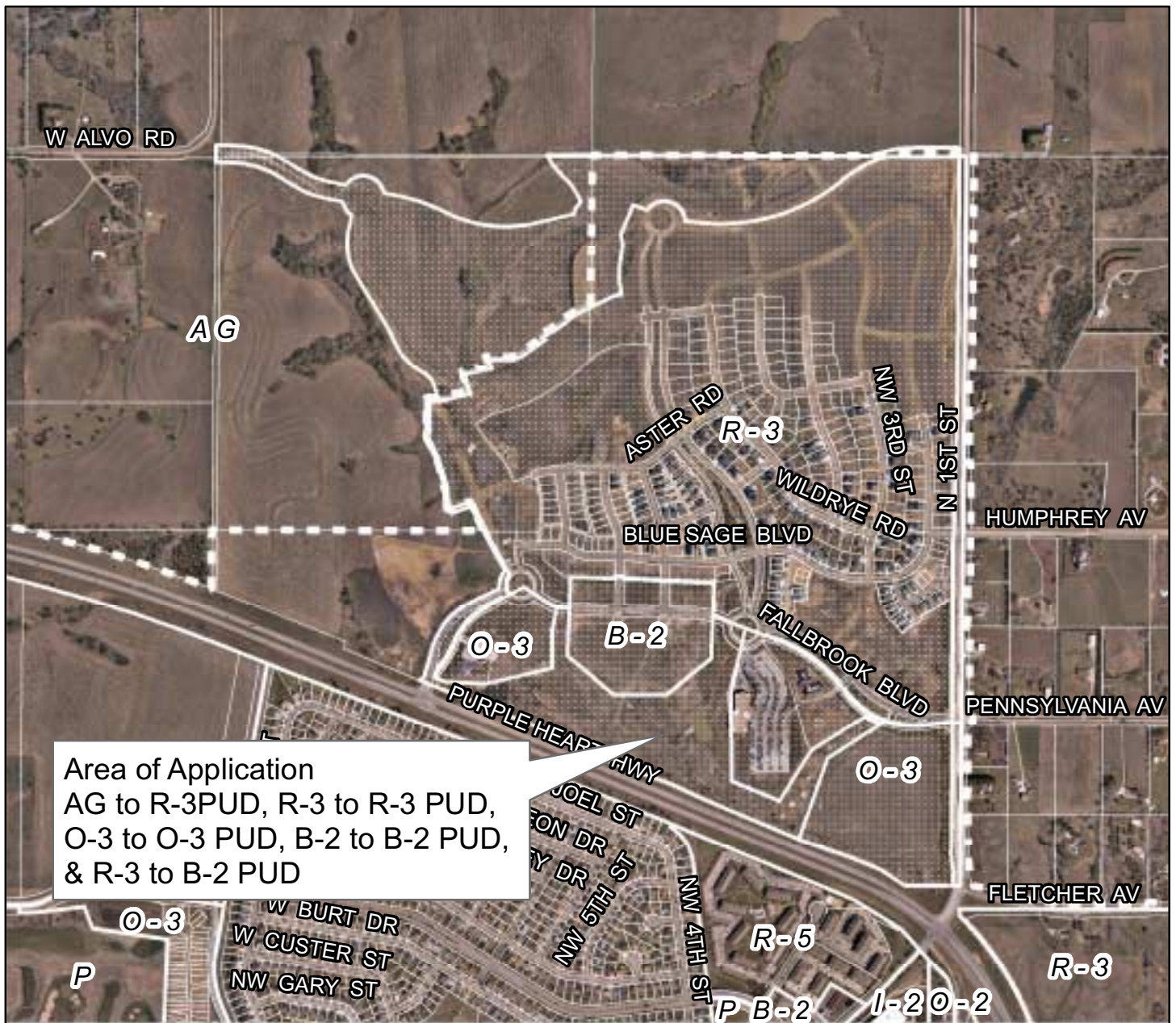
Tom Cajka
Planner

DATE: February 15, 2006

APPLICANT: Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474-6311

OWNER: NEBCO, Inc.
1815 Y St.
Lincoln, NE 68508
(402) 434-1212

CONTACT: Scott Osterhaus
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 458-5630



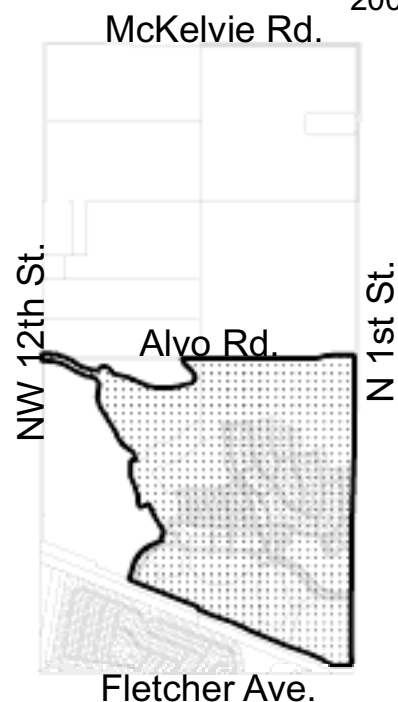
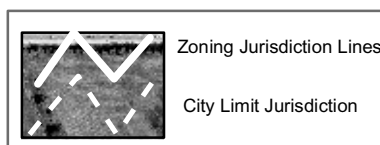
Change of Zone #05085 Fallbrook NW 8th St. & Alvo Rd.

2005 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

Two Square Miles
 Sec. 27 T11N R6E
 Sec. 34 T11N R6E



FALLBROOK P.U.D. GENERAL NOTES

1. Any building outline shown on the PUD Master Plan is illustrative only. Fences, trash enclosures, decorative structures and accessory buildings are not shown. Buildings may be located anywhere on the lot subject to setback limitations.
2. Setbacks within the PUD area may be adjusted by the Planning Director.
3. Any lots shown on the PUD Master Plan are illustrative only. Lot configurations shall be defined by Approved Final Plat.
4. Lots may be created without frontage to a public street if they have access to a public or common access easement.
5. Lots may be created with non-perpendicular lot corners.
6. All residential units abutting alleys must take access from the alley and relinquish vehicular access to the adjoining public street.
7. Alleys shall be 15.5' wide, constructed of 6" asphalt within a 16' wide outlot with a common access easement and 20' radius returns.
8. Direct vehicular access to Highway 34, North 1st Street and Alvo Road is relinquished except as shown.
9. The right and left-in/right-out intersection from North 1st Street to Lot 51, Block 29 approximately 602' south of the intersection of Pennsylvania Avenue and North 1st Streets will be non-signalized. The owner and future owners of Lot 51, Block 29 agree to close the left turning access in the median in the event three left turn related accidents are reported during a twelve month period or a total of five left turn related accidents reported in any 24 month period, if so directed by Executive Order from the Mayor of the City of Lincoln.
10. A Homeowners and/or Property Owners Association shall be responsible for maintenance of all common areas and outlots including the boulevard medians and traffic circles within the public streets.
11. The construction of accessory buildings in the common open space is permitted.
12. Landscape plans shall be submitted with Building Permit applications for all commercial structures and shall comply with City of Lincoln standards.
13. Details of all signs, including type, height and size, shall be submitted separately for review with the Building Permit in accordance with the City of Lincoln

standards, which may be amended by the Planning Director.

14. Signs including "Fallbrook", the Fallbrook Logo and identification/directional signs for "Village Center", "Village Center Shops", "Shops", "Urgent Care Center", "Offices", "Corporate Campuses", "name School", "YMCA", "Park", "Trailhead", or other similar features of the Fallbrook community, are permitted anywhere within the PUD area. Such signs must be located on low walls or monument type structures. In the Office Area near the corner of North 1st Street and Highway 34, a wall or monument is permitted that shall not exceed 16' in height and 700 square feet in face area. In addition, a lighted ornamental spire, tower, flagpole or other similar vertical element not to exceed 40' in height may be incorporated into the design of the wall or monument. At any other location, such walls or monuments shall not exceed 5 feet in height, shall not exceed 100 square feet in face area and shall be located out of sight triangles. The aggregate area of any and all signs on a single wall shall not exceed 30% of the face area of the wall and may be lighted.
15. Any relocation of existing facilities shall be at the Owner/Developer's expense.
16. The developer shall construct a public trail system throughout the PUD and any extensions thereof. The public trail system shall be as generally shown on the PUD Master Plan with variations as approved by the Director of Parks and Recreation and Public Works and Utilities. The public trail shall be 10' wide concrete except where it is located in open space outlots it may be constructed of other materials as approved by the Director of Parks and Recreation and Public Works and Utilities. There shall be a minimum 20' wide public access easement over the public trail. (Refer to the Annexation Agreement regarding charitable contribution associated with the public trail system)
17. Within two years of Final Plat approval, the developer shall construct a "pocket park" on one lot in the Single Family / Type 3 area and one lot in the Single Family / Type 1 or Single Family / Type 2 area. Upon completion and acceptance of the improvements by the City of Lincoln Parks & Recreation Department, the lots and the improvements thereon shall be dedicated to the City of Lincoln without encumbrance. The preliminary location of the pocket parks is shown on the PUD Master Plan but may be relocated with approval of the Planning Director and the Director of Parks & Recreation.
18. Users in the Village Center area shall not have access to the alley outlots adjacent on the north that serve the residences facing Blue Sage Boulevard.
19. The Village Center may contain up to 50 Attached Dwellings in buildings containing more than three units.
20. The Village Center may contain up to 60 Dwellings located above the first floor of a building containing another permitted use.

21. The total collective floor area of non-residential uses in the Village Center and Office Areas shall not exceed 680,000 s.f. The total floor area is allocated to the various lots as shown in Table A. Areas may be reallocated between the lots and specified uses, and the 60,000 s.f. Flex Area may be allocated to specific lots; only when requested in writing by the Developer and approved by the Planning Director.

Table A: Non-Residential Floor Area Allocations

Lot	Owner at PUD Filing (1)	Zoning	Use	Original Allocation Office	Original Allocation Retail	Allocation of 60,000 Flex Area	Current Allocation
All Commercial Areas				500,000	120,000	60,000	680,000
Sub-allocations by Lot							
Lot 6, Blk 29	FCSA	O-3	Office	13,000	0	0	13,000
Lot 1, Blk 29	BryanLGH	O-3	Medical Office	67,000	0	5,500	72,500
Lot 49, Blk 29	Ameritas	O-3	Office	125,000	0	0	125,000
Lot 51, Blk 29	Nebco	O-3	Office	210,000	0	0	210,000
Lot 50, Blk 29	Nebco	O-3	Office	25,000	0	10,000	35,000
Lots 2-5 & 7-48, Blk 29	Nebco	B-2	Village Center	60,000	120,000	0	180,000
Lot 1, Blk 23	Nebco	B-2					
Lot 1, Blk 24	Nebco	B-2					
Lot 1, Blk 25	Nebco	B-2					
Current Allocation Total							635,500
60,000 Flex Office Area Remaining as Unallocated							44,500
Check Total							680,000
Village Center Sub-allocations			Grocery		20,000		
			Drug		6,000		
			Restaurant / Bar		12,000		
			Day Care		6,000		
			General Retail		60,000		
			Office		12,000		
			Medical / Dental		4,000		
			Total		120,000		

Note (1) "Owner at PUD Filing" included as reference only

FALLBROOK P.U.D. AREA REQUIREMENTS

VILLAGE CENTER

Provisions of B-2 Planned Neighborhood Business District shall apply except as noted:

27.31.030 Permitted Uses (a) through (z) as delineated is deleted in its entirety and replaced with:

- a. **The sale of alcoholic beverages** for consumption on or off premises is permitted and the provisions of Section 27.63.680 do not apply.
- b. **Stores and shops** for the sale and service of goods at retail; but not including motor vehicles, farm or construction equipment, or other similar heavy machinery;
- c. **Outdoor seasonal sales;**
- d. **Garden centers;**
- e. **Restaurants and bars;**
- f. **Outdoor dining;**
- g. **Financial services** including but not limited to banks, savings and loan associations, credit unions, finance, and mortgage companies;
- h. **Business offices;**
- i. **Business services** including but limited to copy, messenger, telecommunications, shipping and mailing, and photography studios;
- j. **Personal services** including but limited to hair, skin and nail care;
- k. **Professional services** including but not limited to legal, insurance, financial management, architecture, interior design, engineering, surveying, real estate, abstract and title, and construction management; but not including contractor yards;
- l. **Private offices** including but not limited to the practice of medicine, dentistry, physical therapy and personal counseling;
- m. **Veterinarian and pet care clinics** for domestic animals only, but not including any open kennels;
- n. **Public or nonprofit community services;**
- o. **Public or private libraries;**
- p. **Nonprofit religious, educational and philanthropic institutions;**
- q. **Churches;**
- r. **Early childhood care facilities** including associated fenced outdoor play areas;
- s. **Clubs;**
- t. **Enclosed recreational and amusement facilities;**
- u. **Places of public assembly, entertainment and recreation;**
- v. **Private schools** including but not limited to business, trade, commercial, martial arts, dance, art or music schools;
- w. **Dry cleaning and laundry facilities;**
- x. **Tents and other temporary structures** for the temporary or seasonal sales of goods at retail not to exceed 180 consecutive days are allowed anywhere in the Village Center but shall not reduce the required number of parking spaces;

- y. **Church steeples, towers and ornamental spires up to 100'** subject to the height provisions defined in Chapter 27.59 Airport Zoning Regulations;
- z. **Hotel, bed and breakfast;**
- aa. **Dwellings** located above the first floor of a building containing another permitted use;
- ab. **Attached dwellings** in buildings containing more than three units.

27.31.040 Permitted Conditional Uses is deleted in its entirety.

27.31.050 Permitted Special Uses is deleted in its entirety.

27.31.070 Parking Regulations

Parking, either diagonal or parallel, is permitted on all Public and/or Private Streets including, without exception, those Private Streets with Public Access Easements.

The requirements of Section 27.67.030(d) do not apply.

The total number of parking spaces required by Section 27.67.020 may be reduced by up to 50 spaces in the Village Center area, if needed.

27.31.080 Sign Regulations

The following sign types are permitted: Ground signs, Wall signs, Neon signs, Projecting signs, Window signs, Marquee signs and Pedestrian Marquee signs. All signs may be lighted.

- a. There may be up to 2 Ground signs located in the Village Green. (The block bounded by 6th Street, 7th Street, Blue Sage Blvd. and Fallbrook Blvd.) The Ground signs shall not exceed 100 square feet on any face.
- b. One sign is permitted on each non-frontage face of a building not to exceed 20% of the face area of that portion of the building.
- c. Each business, whether located in a single-business building or a multi-business building, is permitted to have signage. Each business may have any number of signs in any combination of permitted sign types. The aggregate area of all signs for each business shall not exceed 20% of the area of the frontage face of the business premises. If a business occupies only one floor of a multi-floor building, the frontage face area shall be calculated as the floor-to-floor or floor-to-parapet height of the area occupied times the occupied width.

27.31.090 Height and Area Regulations is modified as follows:

All dwelling units within the Village Center area relinquish vehicular access to the public streets and shall instead take access from private roadways, private parking areas, alleys or the alley outlots.

Minimum lot area and minimum lot width requirements do not apply.

Front yard setbacks = 0'

Side yard setbacks = 0', except commercial uses abutting residential uses side yard setback = 5'

Side yard setbacks on lot lines with mutual party wall = 0'

Setbacks for parking = 0'

Setbacks for signage = 0' but must remain outside of sight triangles.

Alley or rear yard setback = 5' for the main and accessory structures

All structures maximum height = 45'

The provisions of Section 27.31.090 (e) do not apply to residential uses in the Village Center.

Canopies are allowed in required front and side yard setbacks without limitation and may project up to 7' into an adjacent public right-of-way. Structures supporting such canopies may not be located in the public right-of-way. The provisions of Sections 27.71.050 and 27.71.115 do not apply.

Fences up to 42" high are allowed in front and side yards of Residential Buildings.

27.31.100 Use Permit; Procedures and Requirements is deleted in its entirety.

OFFICE AREAS

Provisions of O-3 Office Park District shall apply except as noted:

Front yard setback = 20'

Front yards required on only one street frontage in case of double frontage lots.

Side yard setback = 20'

Rear yard setback = 20'

Height of "other permitted uses" = 75' subject to the height provisions defined in Chapter 27.59 Airport Zoning Regulations.

In addition to the signs allowed under the O-3 Office Park District, a monument sign as described in the Fallbrook P.U.D. General Notes shall be permitted. Setbacks for this sign = 0'.

RESIDENTIAL AREAS

The following use areas are defined on the P.U.D. Master Plan. For each use, the provisions of R-3 Residential District shall apply except as noted:

RESIDENTIAL / TYPE 1 (Existing Single Family)

No exceptions.

RESIDENTIAL / TYPE 2 (New Single Family near Alvo Road)

All dwelling units within the Residential / Type 2 area relinquish vehicular access to the public streets and shall instead take access from alleys or alley outlots.

Front yard setbacks apply only to public street frontage.

Front yards required on only one street frontage in case of double frontage lots.

Alley or rear yard setback = 20' for the main and accessory structures

RESIDENTIAL / TYPE 3 (New Urbanism and Blue Sage Rowhouses)

1 Attached dwellings in buildings containing more than three units are a Permitted Use.

All dwelling units within the Residential / Type 3 area relinquish vehicular access to the public streets and shall instead take access from alleys or the alley outlots.

Minimum lot area and minimum lot width requirements do not apply.

Front yard setbacks apply only to public street frontage = 15'

Front yards required on only one street frontage in case of double frontage lots.

Side yard setbacks = 5'

Side yard setbacks on lot lines with mutual party wall = 0'

Alley or rear yard setback = 5' for the main and accessory structures

Fences up to 42" high are allowed in front and side yards of Attached Dwelling Buildings.

Attached Dwelling Buildings maximum height = 45'

Accessory structures maximum height = 35'

RESIDENTIAL / TYPE 4 (Existing Townhouse)

All dwelling units within the Residential / Type 4 area relinquish access to North 1st Street, Fallbrook Boulevard, Stonebrook Parkway and Blue Sage Boulevard and shall

instead take access from interior private roads, alleys, or alley outlots.

The lots within the area shall be located as follow:

- 1 The minimum distance between lots is 15'
- 2 The minimum distance between the lots and the centerline of the private roadways is 32'
- 3 The minimum distance between the lots and the public right-of-way is 13'

Dwelling units within the Residential / Type 4 area shall have 0' setbacks on all lot lines. Eaves, canopies, overhangs, patios, and decks may occupy the entire lot but shall not extend over the lot lines.

Waive Section 27.15.080 for front, side and rear yard setbacks for main and accessory buildings.

RESIDENTIAL / TYPE 5 (New Patio Homes in Townhouse Area).

All dwelling units within the Residential / Type 5 area relinquish access to North 1st Street, Fallbrook Boulevard, Stonebrook Parkway and Blue Sage Boulevard and shall instead take access from interior private roads, alleys, or alley outlots.

Minimum lot area and minimum lot width requirements do not apply.

Front yard setbacks apply only to public street frontage = 10'

Front yards required on only one street frontage in case of double frontage lots.

Side yard setbacks = 5'

Alley setback = 15' for the main and accessory structures

Rear yard setback adjacent to buildable lots = 20' for the main and accessory structures

All structures maximum height = 45'

MULTI FAMILY

- 1 Multiple dwellings are a Permitted Use.
- 2 Elderly or Retirement housing is a Permitted Use.

Minimum lot size is 1 acre but there is no minimum lot width.

Development density is limited to 35 dwelling units per acre of lot area.

Front yard setback = 20' or ½ building height whichever is greater.

Side yard setback = 20' or ½ building height whichever is greater.

Rear yard setback = 20' or $\frac{1}{2}$ building height whichever is greater.

Building height = 75' subject to the height provisions defined in Chapter 27.59 Airport Zoning Regulations.

The Open Space requirements as defined in Section 27.23.080 (e) shall apply.

The Signage requirements as defined in Section 27.69.043 shall apply.

EDUCATION and RECREATION

- 1 Clubs are a Permitted Use.
- 2 Public elementary, middle or high schools, or private schools having a curriculum equivalent to a public school and having no rooms regularly used for housing or sleeping purposes are a Permitted Use.
- 3 Parks, playgrounds and community buildings owned or operated by a public agency are a Permitted Use.

Minimum lot size is 1 acre but there is no minimum lot width.

Front yard setback = 20' or $\frac{1}{2}$ building height whichever is greater.

Side yard setback = 20' or $\frac{1}{2}$ building height whichever is greater.

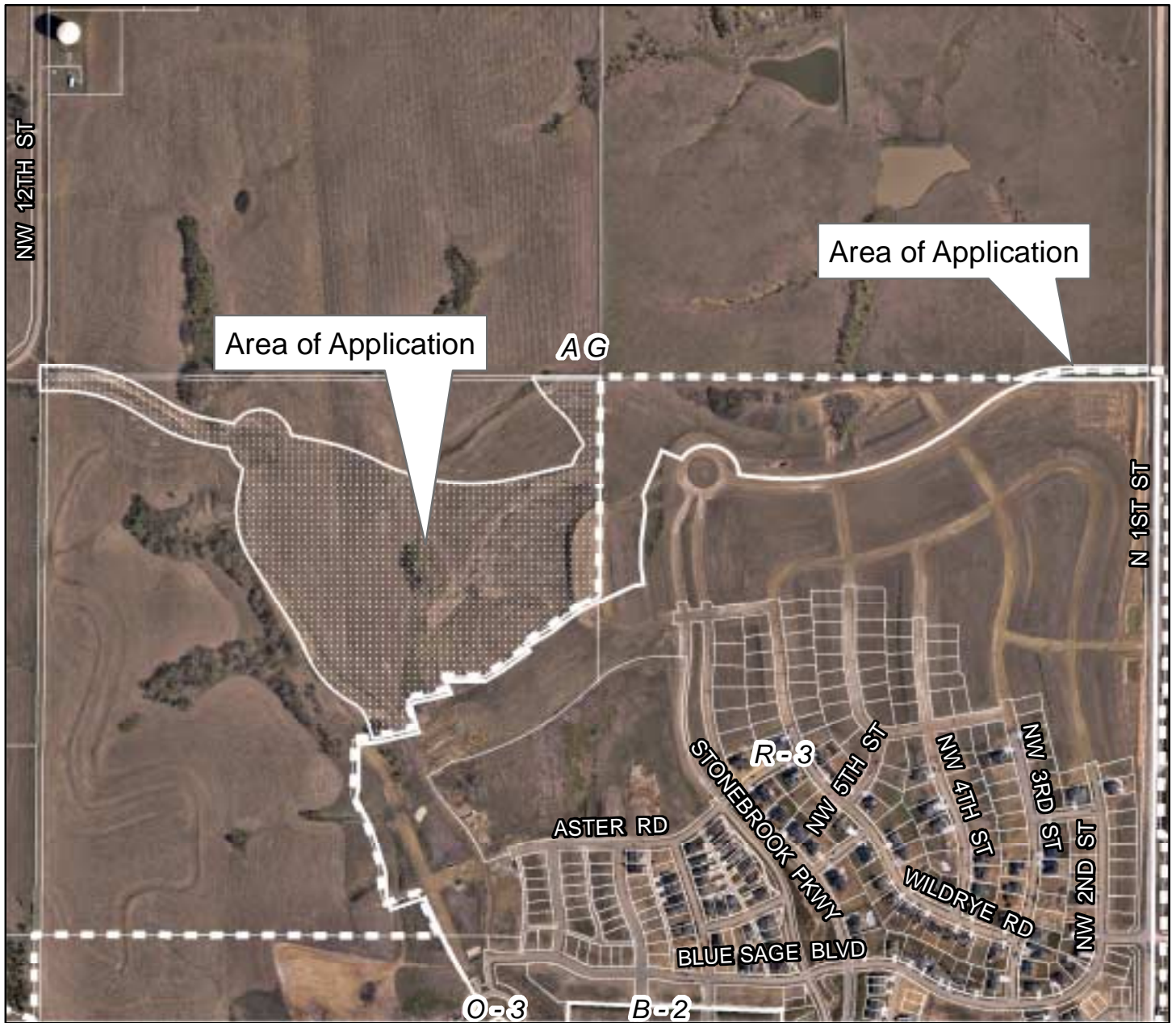
Side yard setbacks on lot lines with mutual party wall = 0'

Rear yard setback = 20' or $\frac{1}{2}$ building height whichever is greater.

Building height = 75' subject to the height provisions defined in Chapter 27.59 Airport Zoning Regulations.

The Signage requirements as defined in Section 27.69.090 shall apply to Clubs.

The total parking requirement may be reduced through the utilization of shared parking when approved by the Planning Director.

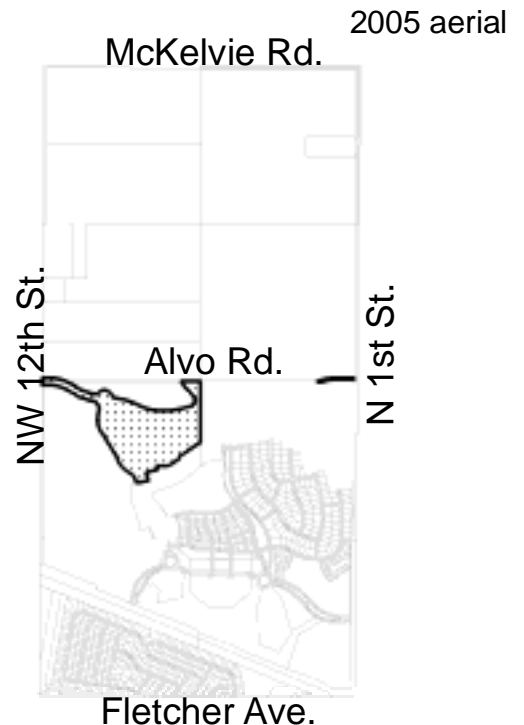
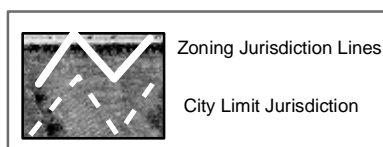


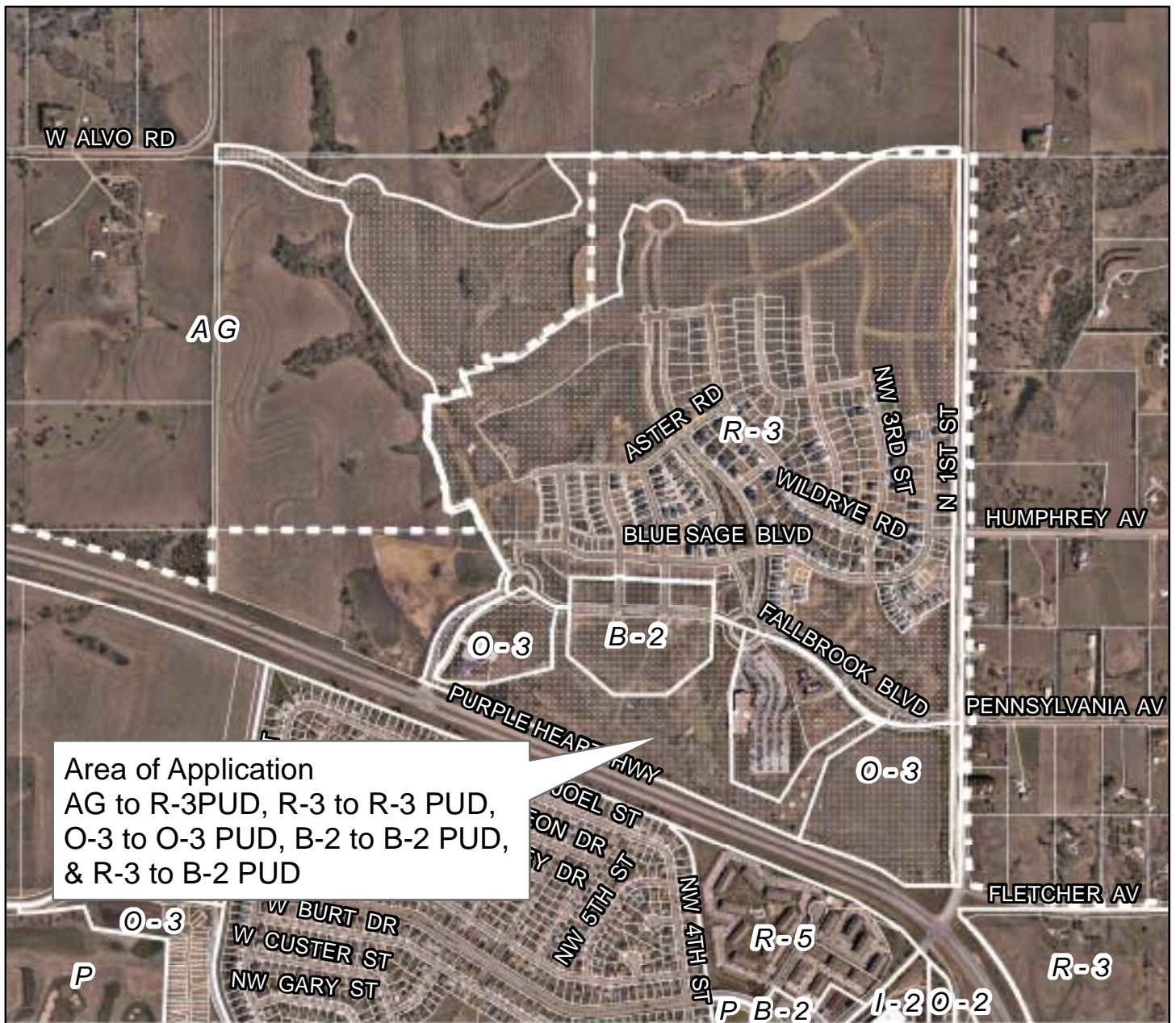
Annexation #05019 **Fallbrook** **NW 8th St. & Alvo Rd.**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

Two Square Miles
 Sec. 27 T11N R6E
 Sec. 34 T11N R6E





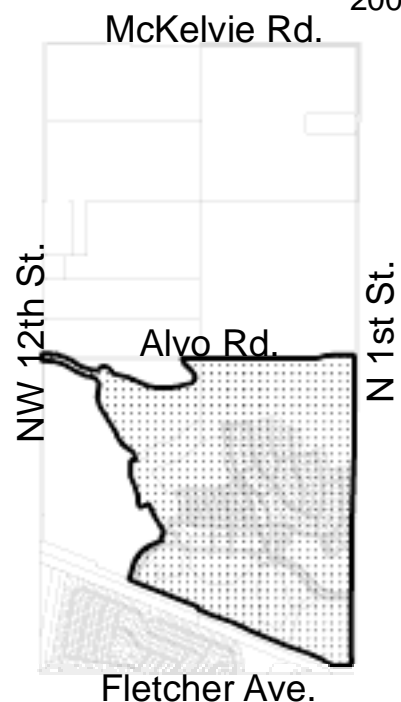
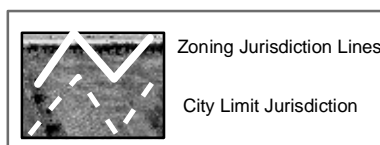
Change of Zone #05085 Fallbrook NW 8th St. & Alvo Rd.

2005 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

Two Square Miles
 Sec. 27 T11N R6E
 Sec. 34 T11N R6E



LEGAL DESCRIPTION ANNEXATION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 11 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST, AND A PORTION OF LOT 9 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 11 NORTH, RANGE 6 EAST, ALL OF THE 6TH P.M., LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 11 I.T., SAID POINT BEING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 34, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 11 I.T., SAID LINE BEING A EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34 ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 18 MINUTES 13 SECONDS WEST, A DISTANCE OF 1,035.45 FEET TO A EAST CORNER OF SAID LOT 11 I.T., THENCE SOUTH 64 DEGREES 35 MINUTES 01 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 34.54 FEET TO A POINT, THENCE SOUTH 62 DEGREES 17 MINUTES 55 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 78.89 FEET TO A POINT, THENCE SOUTH 56 DEGREES 37 MINUTES 48 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 78.89 FEET TO A POINT, THENCE SOUTH 51 DEGREES 29 MINUTES 23 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 90.03 FEET TO A POINT, THENCE SOUTH 58 DEGREES 39 MINUTES 41 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 137.67 FEET TO A POINT, THENCE SOUTH 39 DEGREES 38 MINUTES 23 SECONDS EAST ALONG A EAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 25.03 FEET TO A POINT, THENCE SOUTH 54 DEGREES 36 MINUTES 03 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 170.11 FEET TO A POINT, THENCE SOUTH 59 DEGREES 48 MINUTES 26 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 85.42 FEET TO A POINT, THENCE NORTH 89 DEGREES 55 MINUTES 48 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 11 I.T., A DISTANCE OF 186.19 FEET TO A POINT, THENCE SOUTH 23 DEGREES 31 MINUTES 58 SECONDS EAST ALONG A EAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 65.84 FEET TO A POINT, THENCE SOUTH 75 DEGREES 59 MINUTES 53 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 87.09 FEET TO A POINT, THENCE SOUTH 76 DEGREES 42 MINUTES 21 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 109.78 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 06 DEGREES 40 MINUTES 59 SECONDS, A RADIUS OF 1,204.00 FEET, A ARC LENGTH OF 140.44 FEET, A CHORD BEARING OF SOUTH 16 DEGREES 38 MINUTES 08 SECONDS EAST ALONG A EAST LINE OF SAID LOT 11 I.T., AND A CHORD DISTANCE OF 140.36 FEET TO A POINT, THENCE SOUTH 76 DEGREES 40 MINUTES 33 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 11 I.T., A DISTANCE OF 181.78 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 03 DEGREES 10 MINUTES 40 SECONDS, A RADIUS OF 570.00 FEET, A ARC LENGTH OF 31.61 FEET, A CHORD BEARING OF SOUTH 79 DEGREES 22 MINUTES 29 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 11 I.T., AND A CHORD DISTANCE OF 31.61 FEET TO A POINT, THENCE NORTH 18 DEGREES 03 MINUTES 37 SECONDS WEST, A DISTANCE OF 98.81 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 44 DEGREES 37 MINUTES 08 SECONDS, A RADIUS OF 122.50 FEET, A ARC LENGTH OF 95.40 FEET, A CHORD BEARING OF NORTH 40 DEGREES 40 MINUTES 43 SECONDS WEST, AND A CHORD DISTANCE OF 93.00 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 37 DEGREES 57 MINUTES 46 SECONDS, A RADIUS OF 477.50 FEET, A ARC LENGTH OF 316.38 FEET, A CHORD BEARING OF NORTH 44 DEGREES 00 MINUTES 24 SECONDS WEST, AND A CHORD DISTANCE OF 310.62 FEET TO A POINT, THENCE NORTH 25 DEGREES 01 MINUTES 31 SECONDS WEST, A DISTANCE OF 85.19 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 07 DEGREES 05 MINUTES 26 SECONDS, A RADIUS OF 372.50 FEET, A ARC LENGTH OF 46.10 FEET, A CHORD BEARING OF NORTH 28 DEGREES 34 MINUTES 14 SECONDS WEST, AND A CHORD DISTANCE OF 46.07 FEET TO A POINT, THENCE NORTH 32 DEGREES 06 MINUTES 58 SECONDS WEST, A DISTANCE OF 401.61 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 42 DEGREES 41 MINUTES 49 SECONDS, A RADIUS OF 427.50 FEET, A ARC LENGTH OF 318.57 FEET, A CHORD BEARING OF NORTH 10 DEGREES 46 MINUTES 03 SECONDS WEST, AND A CHORD DISTANCE OF 311.25 FEET TO A POINT, THENCE NORTH 10 DEGREES 34 MINUTES 51 SECONDS EAST, A DISTANCE OF 126.62 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 44 DEGREES 16 MINUTES 59 SECONDS, A RADIUS OF 150.00 FEET, A ARC LENGTH OF 115.93 FEET, A CHORD BEARING OF NORTH 34 DEGREES 42 MINUTES 00 SECONDS WEST, AND A CHORD DISTANCE OF 113.07 FEET TO A POINT, THENCE NORTH 78 DEGREES 58 MINUTES 49 SECONDS WEST, A DISTANCE OF 123.61 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 19 DEGREES 28 MINUTES 05 SECONDS, A RADIUS OF 660.00 FEET, A ARC LENGTH OF 224.26 FEET, A CHORD BEARING OF NORTH 69 DEGREES 14 MINUTES 47 SECONDS WEST, AND A CHORD DISTANCE OF 223.18 FEET TO A POINT, THENCE NORTH 59 DEGREES 30 MINUTES 44 SECONDS WEST, A DISTANCE OF 156.06 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 30 DEGREES 40 MINUTES 15 SECONDS, A RADIUS OF 640.00 FEET, A ARC LENGTH OF 342.60 FEET, A CHORD BEARING OF NORTH 74 DEGREES 50 MINUTES 52 SECONDS WEST, AND A CHORD DISTANCE OF 338.52 FEET TO A POINT, THENCE SOUTH 89 DEGREES 49 MINUTES 01 SECONDS WEST ALONG A LINE 60.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 11 I.T., SAID LINE BEING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 100.38 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 11 I.T., THENCE NORTH 00 DEGREES 10 MINUTES 57 SECONDS EAST ALONG A WEST LINE OF SAID LOT 11 I.T., SAID LINE BEING THE WEST LINE OF SAID LOT 11 I.T., THENCE NORTH OF 60.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 11 I.T., SAID POINT BEING THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER, A DISTANCE DEGREES 26 MINUTES 12 SECONDS WEST ALONG THE WEST LINE OF LOT 9 I.T., SAID LINE BEING THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 27, A DISTANCE OF 60.00 FEET TO A POINT, THENCE NORTH 89 DEGREES 49 MINUTES 01 SECONDS EAST ALONG A LINE 60.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 9 I.T., SAID LINE BEING THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 100.27 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 30 DEGREES 40 MINUTES 15 SECONDS, A RADIUS OF 760.00 FEET, A ARC LENGTH OF 406.84 FEET, A CHORD BEARING OF SOUTH 74 DEGREES 50 MINUTES 52 SECONDS EAST, AND A CHORD DISTANCE OF 401.99 FEET TO A POINT, THENCE SOUTH 59 DEGREES 30 MINUTES 44 SECONDS EAST, A DISTANCE OF 156.06 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 19 DEGREES 28 MINUTES 05 SECONDS, A RADIUS OF 540.00 FEET, A ARC LENGTH OF 183.48 FEET, A CHORD BEARING OF SOUTH 69 DEGREES 14 MINUTES 47 SECONDS EAST, AND A CHORD DISTANCE OF 182.60 FEET TO A POINT, THENCE SOUTH 78 DEGREES 58 MINUTES 49 SECONDS EAST, A DISTANCE OF 123.61 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 133 DEGREES 28 MINUTES 34 SECONDS, A RADIUS OF 150.00 FEET, A ARC LENGTH OF 349.44 FEET, A CHORD BEARING OF SOUTH 78 DEGREES 39 MINUTES 51 SECONDS EAST, AND A CHORD DISTANCE OF 275.61 FEET TO A POINT, THENCE SOUTH 78 DEGREES 20 MINUTES 53 SECONDS EAST, A DISTANCE OF 146.17 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 15 DEGREES 33 MINUTES 37 SECONDS, A RADIUS OF 1,060.00 FEET, A ARC LENGTH OF 287.87 FEET, A CHORD BEARING OF SOUTH 70 DEGREES 34 MINUTES 05 SECONDS EAST, AND A CHORD DISTANCE OF 286.99 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 40 DEGREES 41 MINUTES 27 SECONDS, A RADIUS OF 940.00 FEET, A ARC LENGTH OF 667.58 FEET, A CHORD BEARING OF SOUTH 83 DEGREES 08 MINUTES 00 SECONDS EAST, AND A CHORD DISTANCE OF 653.64 FEET TO A POINT, THENCE NORTH 76 DEGREES 31 MINUTES 17 SECONDS EAST, A DISTANCE OF 273.28 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 40 DEGREES 17 MINUTES 34 SECONDS, A RADIUS OF 150.00 FEET, A ARC LENGTH OF 105.49 FEET, A CHORD BEARING OF NORTH 30 DEGREES 14 MINUTES 45 SECONDS EAST, AND A CHORD DISTANCE OF 103.33 FEET TO A POINT, THENCE NORTH 28 DEGREES 04 MINUTES 14 SECONDS WEST, A DISTANCE OF 56.95 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 21 DEGREES 21 MINUTES 23 SECONDS, A RADIUS OF 420.00 FEET, A ARC LENGTH OF 156.55 FEET, A CHORD BEARING OF NORTH 38 DEGREES 44 MINUTES 56 SECONDS WEST, AND A CHORD DISTANCE OF 155.65 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 23 DEGREES 11 MINUTES 37 SECONDS, A RADIUS OF 480.00 FEET, A ARC LENGTH OF 194.31 FEET, A CHORD BEARING OF NORTH 37 DEGREES 49 MINUTES 49 SECONDS WEST, AND A CHORD DISTANCE OF 192.98 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 11 I.T., SAID LINE BEING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, THENCE NORTH 89 DEGREES 49 MINUTES 01 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 11 I.T., SAID LINE BEING THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 322.78 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,805,260.87 SQUARE FEET OR 41.4431 ACRES, MORE OR LESS.

TOGETHER WITH:

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 10 I.T. LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 49 MINUTES 23 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10 I.T., SAID POINT BEING ON THE WEST LINE OF NORTH 1ST STREET RIGHT-OF-WAY, THENCE NORTH 00 DEGREES 10 MINUTES 37 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 10 I.T., SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 49 MINUTES 23 SECONDS WEST ALONG A LINE 40.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 10 I.T., SAID LINE BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 286.09 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 17 DEGREES 45 MINUTES 08 SECONDS, A RADIUS OF 840.00 FEET, A ARC LENGTH OF 260.26 FEET, A CHORD BEARING OF SOUTH 80 DEGREES 56 MINUTES 47 SECONDS WEST, AND A CHORD DISTANCE OF 259.22 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 10 I.T., THENCE SOUTH 89 DEGREES 49 MINUTES 23 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 10 I.T., SAID LINE BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 91.07 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 21 DEGREES 31 MINUTES 47 SECONDS, A RADIUS OF 860.00 FEET, A ARC LENGTH OF 323.16 FEET, A CHORD BEARING OF NORTH 79 DEGREES 03 MINUTES 29 SECONDS EAST, AND A CHORD DISTANCE OF 321.26 FEET TO A POINT, THENCE NORTH 89 DEGREES 49 MINUTES 23 SECONDS EAST ALONG A LINE 60.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 10 I.T., SAID LINE BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 317.66 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 10 I.T., THENCE SOUTH 00 DEGREES 10 MINUTES 37 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 10 I.T., SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 13,471.0179 SQUARE FEET OR 0.3092 ACRES, MORE OR LESS.

